

**COMPENDIUM OF TOPICS COVERED & QUESTIONS ASKED DURING THE
WORKSHOP SERIES ON RECRUITMENT RULES ORGANIZED BY THE UPSC**
FROM 09.03.2015 TO 06.04.2015

1. What is Recruitment and what are Recruitment Rules?

Recruitment is the process of selection of incumbents to a designated post and Recruitment Rules are the provisions prescribed under the Statute, for executing the same. The UPSC is required to advise upon the Recruitment Rules for various Civil Posts which are mandated to it, under the Constitution of India or a specific Act governing an autonomous organization.

2. What is the difference between Recruitment Rules & Service Rules?

Service Rules are required to be framed for defined Organized Service(s) to the Union of India. The Service Rules are comprehensive statutory documents, which include specifications with regard to,

- a. Title and definitions
- b. Authorized strength & grade(s)
- c. Initial constitution and future definition
- d. Seniority, qualifying service for promotion, probation & method of recruitment
- e. Liabilities and disqualification
- f. Relaxation provisions
- g. Savings clause

Recruitment Rules are required to be framed for all Civil posts of a permanent nature. Furthermore, the Recruitment Rules do not contain many Clause(s) of Service Rules of Organized Service(s).

3. Why are Recruitment Rules required to be framed?

The Recruitment Rules are required to be framed for every post, in order to ensure probity and transparency in the process of Recruitment. They

specify the provisions under various Columns which are required to be adhered to and cannot be changed once the process of Recruitment has been initiated.

4. For what kind of posts are the Recruitment Rules required to be framed ?

Recruitment Rules are required to be framed for all posts which have been created shall last for a period beyond one year. (In other words, the Recruitment Rules are mandatorily required to be enacted for all posts of a permanent nature.)

5. What kind of posts are exempted from the purview of mandatory consultation with the UPSC ?

The Civil Posts (Classified as Group A & Group B) in the Union of India/ Union Territories of India, which are specifically exempted and included under the UPSC (Exemption from Consultation) Regulations, 1958, are exempted from the purview of mandatory consultation with the UPSC for the purpose of framing or amendment of Recruitment Rules.

6. Which autonomous Organizations are required to consult the UPSC for framing of Recruitment Rules to posts under their jurisdiction ?

In accordance with the mandate assigned under Article 321 of the Constitution, the Organizations, established under an Act of the Parliament, where the requirement of mandatory consultation with the UPSC is specified under a designated Section of the Act, are required to seek the Advice of the UPSC for purpose of framing or amendment of Recruitment Rules to Group A & Group B Civil Posts under their organization(s). Examples of such organizations are :- the New Delhi Municipal Council, Municipal Corporation of Delhi, Employees State Insurance Corporation, Employees Provident Fund Organization, Delhi Jal Board, etc.

7. Why are Recruitment Rules required to be amended periodically ?

Recruitment Rules prescribe various specifications relating to classification of post, pay structure (grade pay), method of recruitment,

composition of various Committee(s), essential qualifications & consultation process with the UPSC. The said information is based upon extant Guidelines of the DoP&T and Government of India, which are revised based upon inputs like the Pay Commission Recommendations etc. Furthermore, the change(s) in the cadre structure and essential qualifications for a given post etc., also require due amendments in the specific column(s) of the Recruitment Rules. Due to these reasons, the Recruitment Rules are required to be amended every five years, in compliance of the said Guidelines of the DoP&T.

8. Who are the stakeholders involved in framing / amendment of RRs?

- a. The draft for a proposal for framing of Recruitment Rules is initiated by the Administrative Ministry, which controls the designated post. Approval of the Competent Authority in the Ministry concerned is required, in accordance with the DoP&T guidelines. The Competent Authority can delegate the specified power(s).
- b. Necessary approval for creation of a given post are required from the Department of Expenditure/Cabinet in terms of guidelines of the Department of Expenditure.
- c. Consequent upon the said approval, the proposal is required to be submitted to the DoP&T for concurrence.
- d. The UPSC is required to be consulted for necessary approval to the given Recruitment Rules after the concurrence of the DoP&T has been acquired. The advice of the UPSC is rendered through an Advice Letter addressed to the Ministry/Organization concerned.
- e. The Schedule of Recruitment Rules, is then required to be got vetted from the Ministry of Law & Justice
- f. Subsequently the Recruitment Rules are required to be notified in the Official Gazette of the Government of India in order to be considered

as a Statutory document for the purpose of Recruitment to the relevant post.

9. What is the 'Savings Clause' in terms of the Recruitment Rules ?

The Recruitment Rules, as framed and notified, should be in compliance with the

- a. Policy of reservation in recruitment,
- b. Relaxation(s) in age limit and other concessions required to be provided to various special category(s) of applicants

based upon the extant Guidelines & Policy(s) of the Government of India.

10.What is the Single Window System (SWS) for receipt of proposals in the UPSC?

The proposals for framing or amendment of Recruitment Rules, are received in the UPSC under the SWS, wherein a designated Officer of the rank of Under Secretary to the Government of India is authorized to accept the proposal, from a designated Ministry/ Department. The Ministry(s)/ Department(s) are required to designate an Officer not below the rank of Under Secretary to bring the proposal to the Single Window. The said proposal is evaluated through a preliminary scrutiny, based upon a pre-defined Check-list, which specifies the documents and information required to be provided along with a proposal. In case the proposal is found to be incomplete, the reasons thereof are recorded on-the-spot and intimated to the Official from the Ministry/ Department concerned for necessary compliance. Only proposals complete in all respects, are accepted and processed by the Commission.

11.What is the new Check-list for the SWS ?

The Check-list in use in the SWS has been comprehensively revised. The Check-list incorporates twenty-nine points of evaluation for a given proposal. It has been uploaded onto the Website of the UPSC and is being used for receipt of new proposals with effect from 01.05.2015.

12.What are the common deficiencies observed during the preliminary scrutiny process of proposals in the SWS ?

The proposals, which are brought for consideration in the SWS, are generally found to have the following deficiencies :-

- a. Approval of the Competent Authority, authorized to approve the draft proposal, are not enclosed
- b. Relevant document(s) required under the Check-list of the SWS, are not enclosed
- c. Certificate of Court Case(s) (i.e., the proposal being not sub-judice under consideration of any Court), is not enclosed
- d. Inclusion of the word 'equivalence' in the essential qualifications, prescribed for the given post
- e. Use of non-specific domain experience, which could result in difficulty of interpretation during actual process of Recruitment.

13.Who is mandated to prescribe the nomenclature for a particular post for which the Recruitment Rules are being framed ?

The designation / nomenclature assigned to a given post is the prerogative of the Organization which controls the post. A similarly designated post may carry different Grade Pay(s). For instance a post designated as a 'Deputy Director' might be an Under Secretary, or a Deputy Secretary or a Joint Secretary level post in different organizations.

14.What is the prescribed quota for promotion posts in the method of recruitment ?

The Guidelines prescribe a pyramid structure in the cadre hierarchy of any organization. The ratio for the promotional post to the feeder grade post is thus prescribed at 1 : 3 where the recruitment is by way of Selection. In case a ratio lower than 1 : 3 is proposed by the Ministry/ Department concerned, specific reason must be incorporated therein.

15. Is the prior approval of the UPSC mandated for de-notification of existing Recruitment Rules ?

In case of the Ministry/ Department, which controls the designated post, desires that the Notified Recruitment Rules is to be de-notified or a given post is to be encadred into a specific Organized Service (which requires a change in the method of recruitment to the given post), prior approval for de-notification of the existing Recruitment Rules is required from UPSC.

16. What is the difference between 'Selection' and 'Non-Selection' posts in the Recruitment Rules ?

In case the promotion to a given post is based upon merit only, the recruitment is defined to be by way of 'Selection'. In other words, seniority is not given precedence over performance (or grading in the performance reports) for recruitment to the given post. Thus, an incumbent with less qualifying service in the feeder grade can be selected if possessing better performance appraisal vis-à-vis another who has more qualifying service in the feeder grade but with a lower grade in performance appraisal.

However, when promotion to a post is made on the basis of seniority only subject to the rejection of a pre-defined grade of 'fit' and 'unfit', the process is specified as 'Non-Selection'. In other words, if the grade for 'fit' is defined as 'Very Good' in the Performance Appraisal, the posts to the given Grade shall be filled up from amongst incumbents in accordance to their Seniority in the feeder grade subject to their possessing the performance appraisal defined to be necessary for declaring a candidate as 'fit'.

17. What is the purpose of prescribing 'Qualifying Service' for promotion to the next higher Grade ?

Qualifying Service is the minimum residency period prescribed in the Service Rules/ Recruitment Rules that an incumbent has to serve in a Grade on a regular basis before being eligible to be promoted to the next higher grade. (The Qualifying Service is based upon the specific period of residency in the feeder grade, which is prescribed by the DoP&T for promotion to the higher grade posts in the hierarchy.)

18.What is the protection, that is provided to a incumbent, in the case of increase in qualifying service for promotion to a higher post ?

In case eligibility service for promotion prescribed in the existing rules is enhanced in accordance with a change in the Guidelines, which is likely to adversely affect certain members of the Service or incumbents holding a junior post on a regular basis, a note regarding retention of existing eligibility service in respect of such persons may be inserted in the Rules.

19.Why should the Educational Qualifications be specified under the Heading(s) of 'Essential' and 'Desirable' ?

The educational qualifications for any post should be bifurcated clearly between the headings of 'essential' and 'desirable' because the former are the mandatory requirements for determining the minimum benchmark required for consideration to the given post, whereas the latter is the parameter or mechanism used for raising the bar in the process of scrutiny of candidates in a situation where a large number of candidates have applied for a few number of posts. Specific mention amongst the two categories helps in the process of evaluation and in reducing the time in the actual process of recruitment.

20.Who is authorized to interpret the 'equivalence' amongst educational qualifications, if the word is mentioned in the Recruitment Rules to a post ?

The Association of Indian Universities or the designated Technical Authority like All India Council for Technical Education / University Grants Commission/ National Council for Technical Education, etc., are the Competent Authority(s) for defining the 'equivalence' of a given educational qualification to the one mentioned in the Recruitment Rules. As prescribed by the DoP&T in its guidelines, the word 'equivalence' is advised not to be used in the RRs for various posts.

21. Should acquisition of prescribed educational qualifications be mandated for internal/ promotee candidates for consideration to a higher post ?

The acquisition of a higher educational qualification is sometimes made mandatory for internal candidates also, for their consideration to promotion to a higher post, especially if the given post is technical in nature. In other words, if the post requires use of scientific or technical know-how, the internal candidate is also mandated to acquire the higher educational qualification for being considered 'fit' to the given post.

22. Should the Class/ Division/ Grade be specified in the educational qualifications prescribed for applicants under various methods of recruitment ?

Mention of Class/ Division/ Grade may be avoided for the reason that various Board(s)/ University(s)/ Institution(s) have different benchmarks and parameters for award of marks. However, if the Organization controlling the scheme of education for a given stream does require a degree with a specified grade, the same may be recorded. For instance, the norms of UGC/ AICTE/ NCTE etc., provide for specific Grade scores for various academic posts and therefore they may be included in the Recruitment Rules for given posts.

23. Should the essential qualifications w.r.t. Educational Qualifications + Experience be different for Direct Recruits and Deputation candidates ?

In case the method of Recruitment is a mix of Direct Recruitment & Deputation, the same essential qualifications w.r.t. Educational Qualifications + Experience may be maintained for Direct Recruits and Deputation candidates.

24.What is the Upper Age Limit(s) prescribed for direct recruitment to a given post ?

The upper age limit to any given post is based upon the Grade Pay of the said post. The same is defined as follows,

| | | |
|--|---|----------|
| a. For posts in the GP upto Rs. 4800/= | - | 30 years |
| b. For posts in the GP of Rs. 5400/= | - | 35 years |
| c. For posts in the GP of Rs. 6600/= | - | 40 years |
| d. For posts in the GP of Rs. 7600/= & above | - | 50 years |

However, it is always advisable to prescribe direct recruitment at a level which shall leave adequate number of years of service to an incumbent, so that he is able to contribute his productive knowledge to the Organization.

25.Can the upper age limit be relaxed for recruitment to a given post ?

The upper age limit may be relaxed up to five years for Government Officials applying for the given post, beyond the age limit prescribed for direct recruits. In the case of recruitment by the method of Direct Open Competitive Examination conducted by UPSC or other agency under the Central Government to the Central Civil Services and Civil posts, the age limit shall be increased by two years beyond the age limit prescribed for the Category to which the Government Official belongs.

26.Whether any age limit is prescribed for promotion / deputation ?

The age limit prescribed for consideration for selection under Deputation has been defined as 56 years.

27.What are the various methods of recruitment prescribed for selection of a candidate to a given post ?

The various methods of recruitment prescribed for recruitment are as follows,

- a. Promotion
- b. Composite Method
- c. Direct Recruitment
- d. Deputation
- e. Deputation Including Short-Term Contract (ISTC)
- f. Absorption
- g. Re-employment of Armed Forces Personnel

The first two methods are termed as 'Internal Methods of Recruitment', since the candidates from within the organization/ cadre are considered for selection to a given post. The remaining five methods are considered as 'External Methods of Recruitment' since the candidates external to the organization/ cadre are considered for selection to the given post.

28.In case of non-availability of adequate number of posts in the feeder grade, how should the method(s) of recruitment be prescribed ?

In case of non-availability of adequate number of posts in the feeder grade, a judicious mix of internal and external methods of recruitment may be prescribed, which may combine the Promotion method with either Deputation/ Deputation (ISTC)/ Direct Recruitment/ Re-employment of Armed Forces Personnel, in order to ensure that no post is left vacant due to non-availability of personnel with requisite essential qualifications.

29.Is training mandated to be provisioned for purpose of promotion to next higher grade ?

The Ministry, which controls a given post, may envisage the inclusion of mandatory training before award of promotion to the next higher grade,

based upon existing policy guidelines of Government of India. The said provision may be included in the essential qualifications to be possessed by an incumbent before he/ she is considered for promotion to next higher grade.

30.What is the difference between 'Deputation' and 'Deputation (ISTC)' method of recruitment ?

Under 'Deputation' method of recruitment, the Officials from the Government of India can apply to a given post. Furthermore, the overall process of recruitment is finalized by the designated Ministry/ Department without any consultation with the UPSC.

Under 'Deputation (ISTC)' method of recruitment, the Officials from State Government(s)/ Administration(s) of Union Territories/ Public Sector Undertakings under the Government/ State-owned Banks/ Authorized Organizations & Recognized Universities, can also apply to a given post. Consultation with the UPSC is mandatory in process of finalization of recruitment to a post which prescribes Deputation (ISTC) as the method of recruitment.

The advantages of the 'Deputation (ISTC)' method of recruitment is that it provides a wider range of applicants to a given post. The chances of the recruitment action being rendered infructuous are minimal. Furthermore, it enables the professional guidance of the UPSC in the finalization of the recruitment to the given post.

31.What is short-term Deputation and when is it to be invoked ?

In situations where a post is foreseen to remain vacant for a period of one year or more due to the permanent incumbents to the post being away on account of a certain exigency, like study leave etc., or the method of recruitment is by way of direct recruitment and the organization has found it difficult to fill up the post short-term deputation could be applied to fill up the posts for the intervening

period till that time that regular incumbents are found to fill up the same. The method to fill up the same may be prescribed through inclusion of a specific Note in the Recruitment Rules.

32.What is the period of Deputation for various posts ?

The period of deputation is based upon the Grade Pay of various posts. For instance, for posts in the GP of Rs. 6600/= and below, the period is prescribed as three years; for posts in GP of Rs. 7600/= the same is prescribed as four years and for posts in the GP of Rs. 8700/= and above, the period of deputation is 5 years.

33.What is the 'Composite Method' of Recruitment ?

The Composite Method of recruitment is applicable wherein the number of posts in the lower/ feeder grade to the number of posts in the promotional/ higher grade is One, thus leaving the ratio for promotion as 1 : 1. In such a situation, the method of recruitment by way of promotion is combined together with another method of recruitment (preferably by way of Deputation/ ISTC) in order to enable the selection of best candidate to the higher post.

34.What is the method of recruitment through which Armed Forces Personnel can apply for Civil Posts in the Government ?

In certain Civil Posts, the experience of operational and managerial skills possessed by the Armed Forces Personnel could be utilized. In such posts, the method of 'Re-employment of Armed Forces Personnel', who are due to retire or to be transferred to reserve within a period of one year and having the requisite experience and qualifications prescribed for the post is included for appointment to the given posts.

35.What should be the method of recruitment for 'isolated posts' in an organization ?

A post which does not have any feeder grade or any further promotional avenue is termed as an 'isolated post'. For filling up the same, the method of Direct Recruitment should not be prescribed for the reason that the incumbent thus selected will not have any promotional avenue and would therefore not have adequate motivation for performance over the long-term. Deputation/ Deputation (ISTC)/ Re-employment of Armed Forces Personnel may be the various methods which could be used in such a case.

36. Who is the competent authority to finalize the recruitment to a post by way of method of 'Absorption' ?

Absorption is the next derivative applicable where the primary method of recruitment was by way of 'Deputation'. All cases of Absorption for Group A & Group B Civil posts, are required to be submitted to the UPSC for mandatory consultation before the same are finalized, even if the primary method of recruitment by way of Deputation was finalized by the Ministry without consulting the UPSC.

37. What should be the field from which incumbents may be drawn for purpose of filling up the post by way of Deputation, Deputation (ISTC) or Re-employment of the Armed Forces Personnel ?

The incumbent who may be made eligible for applying for a given post may be drawn from an analogous post (or a post drawing similar Grade Pay as the post under consideration) and the next below post with a specified minimum regular qualifying service.

38. In case the method of recruitment provides for a primary method and a secondary method under the 'failing which clause', the given post is construed as belonging to which method of recruitment ?

In such a situation, the method of recruitment will be considered to belong to the primary method of recruitment. For example, if the method is 'Promotion failing which by Deputation', the post is

considered as a promotion post for the purpose of determining the ratio of promotion vis-à-vis the feeder grade posts and the structure of the cadre.

39.What is the period of probation for a given post ?

The period of probation differs based upon the Classification of a given post. The probation can be for a maximum period of two years. However, the same can be extended by the Competent Authority through a speaking order, citing reasons for the same, which are required to be communicated to the incumbent.

40.Is probation required to be prescribed for contractual or tenure based post(s) or re-employment after superannuation ?

Probation is not required to be prescribed for contractual or tenure based or re-employment positions.

41.Would an incumbent be required to undergo a second period of probation while he/ she is promoted from one Group to another Group of posts ?

Yes, when the promotion involves movement from one Group (B) to another Group (A) of posts, the incumbent will be required to undergo a second period of probation. However, it may be ensured that the period of probation prescribed for the promotee candidate is equal to the probation period prescribed for a direct recruit to the given post. Furthermore, the incumbent is not required to undergo probation when the promotion involves movement within a specified cadre.

42.When is the UPSC involved in the composition of Departmental Promotion Committee(s) for effecting promotion to a given post ?

The Hon'ble Chairman/ Hon'ble Member of the UPSC is the Chairman of the designated DPC for effecting promotion to a given post in all cases

involving Selection promotions or promotions involving movement from Group B to Group A. The UPSC is not associated in Ad-hoc/ In-Situ promotions to a given post and from a Group A post to posts below the Grade Pay of Rs. 7600/-.

43. Can any other Member (from the Ministry/ Department) replace the Member mentioned in the DPC, as specified under the Recruitment Rules ?

The DPC should comprise of minimum three members, with specific mention of the designation of the Members comprising the DPC. The members cannot be replaced by any other member/ official from the Ministry/ Department concerned, unless otherwise included in the notified Recruitment Rules.

44. Is the UPSC required to be consulted in the Departmental Confirmation Committee (DCC) for confirmation of incumbents to a given post ?

The UPSC is not required to be involved in the DCC for confirmation of incumbents (for considering confirmation) in cases where the method of recruitment includes direct recruitment/absorption/re-employment of Armed Forces Personnel.

45. Under which circumstances is the UPSC required to be consulted in the process of recruitment ?

UPSC is required to be consulted in the following cases:-

- a. Direct recruitment to all Group 'A' Central Civil Services/posts and Group 'B' Gazetted Central Civil services/Posts
- b. Appointment to Group 'A' & Group 'B' posts through any of the following methods :-
 - i. Re-employment of Armed Forces Personnel
 - ii. Absorption
 - iii. Deputation (ISTC) method of recruitment
 - iv. Composite method of recruitment

- c. Promotion from Group 'B' to Group 'A' posts
- d. Relaxation or amendment of any provision(s) of the Recruitment Rules

46. In case(s) where the field for selection includes incumbents currently serving in Group B positions, and the post resides in Group A, with the method of recruitment being by way of Deputation, would the UPSC be involved in the process of mandatory consultation ?

Even if the method of recruitment is only 'Deputation from amongst officials of the Government of India', which ordinarily will not require consultation with the UPSC, in case the applicants to the given post come from a Group B position, consultation with the UPSC will be mandatory before finalization of the recruitment to the given post.

47. Can recruitment to a given post be done in the absence of Notified Recruitment Rules to the given post ?

In case of newly created/ sanctioned posts, wherein Recruitment Rules are not yet in place, the recruitment to the given post(s) could be done by seeking approval for one-time method of recruitment from the UPSC. This method of recruitment can be utilized for filling up the post on the first occasion only and cannot be used subsequent to the initial utilization.

48. What is the prescribed time-frame within which the Recruitment Rules advised upon by the UPSC, should be Notified by the Ministry/ Department concerned ?

The Recruitment Rules, as advised upon by the UPSC, should be notified within ten weeks of the receipt of the Advise of the UPSC by the Ministry/ Department concerned. Consequent upon the Rules being published in the Gazette, a copy of the same is provided to the UPSC for record. Cases, which are not reported post Notification are mentioned in the Annual Report of the UPSC, which is placed before the Parliament.

49.What are the advantages of timely notification of the Recruitment Rules by the Ministries/ Departments concerned ?

A Recruitment Rule is a statutory document, which forms the basis for recruitment to a given post only after the same has been notified in the official Gazette. Therefore, the advantages of the revised provisions as incorporated in the Recruitment Rules can be availed, only if the Advice of the UPSC is notified on time by the Ministry/ Department concerned.

50.Who is authorized to allow relaxation in the Recruitment Rules to a given post ?

Relaxation is allowed for a class or category of incumbents and not to a particular individual. Such provisions of recruitment, qualifying service, essential qualifications, etc., are provided for with prior approval of the DoP&T in due consultation with the UPSC.